

Exhibit 3

IN THE CIRCUIT COURT OF ST. CLAIR COUNTY, ALABAMA

**REGIONS BANK d/b/a
REGIONS MORTGAGE,
SUCCESSOR BY MERGER TO
UNION PLANTERS BANK, N.A.,**

Plaintiff,

v.

**FLOYD T. HARRIS and
DARLENE A. HARRIS,**

Defendants.

CIVIL ACTION NO. CV-2005-376

ORDER

This matter came before the Court on cross-Motions to Dismiss filed by the parties, as well as a Motions for Sanctions and Motion for Summary Judgment filed by Regions Bank d/b/a Regions Mortgage ("Regions"). After due consideration of the materials submitted, the pleadings in this matter, and the parties' oral arguments, this Court finds as follows:

1. On September 23, 2005, Regions lawfully foreclosed on the mortgage previously given to it by Floyd and Darlene Harris, the Defendants in this action.

2. By virtue of that foreclosure, Regions is the owner of the following-described real property located and situated in St. Clair County, Alabama, to-wit:

Lot 3, Rolling Hills Subdivision as recorded in Plat Book A85-8, in the judge of the Probate Office, Pell City, St. Clair County, Alabama.

Also known as **1041 Funderburg Bend Road, Pell City, AL 35128.**

3. On September 23, 2005, Regions served the Harrises with a demand for possession of the real property pursuant to Ala. Code 1975, § 6-5-251.

4. The Harrises have failed and refused to vacate the property and are still in possession.

5. The Counterclaim filed by the Harrises fails to state any claim upon which relief was granted and was filed without substantial justification and for the purpose of delay and harassment.

6. The Motion to Dismiss filed by the Harrises is frivolous and without merit.

It is, therefore, **ORDERED, ADJUDGED and DECREED**, as follows:

1. Regions' Motion to Dismiss is due to be, and is hereby, granted.
2. Accordingly, the Harrises' Counterclaim is dismissed with prejudice.
3. Regions' Motion for Sanctions is due to be, and is hereby, granted.
4. Accordingly, a judgment is entered against the Harrises in the amount of \$3,993.27 for costs and attorneys fees incurred in defending against the Harrises' frivolous claims.

5. Regions' Motion for Summary is due to be, and is hereby, granted.

6. Accordingly, possession of the real property set out above is hereby awarded to Regions and any lawful sheriff of the County of St. Clair is hereby ordered to restore immediate possession of that real property to Regions. However, in the event of any discrepancy between the legal description and street address, the legal description shall control.

7. Pursuant to Ala. Code 1975, § 6-5-251, the Defendants have forfeited their right of redemption by failing to deliver possession of the property after being given 30 days written notice.

Done this 12th day of Feb, 2006.

FILED
FEB 02 2006

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ST. CLAIR COUNTY
CLERK & REGISTER
Circuit Court Judge